

REMARKS

In the outstanding Official Action, it was noted that the specification was amended in response to the last Action but that a reference to the claims was still present on page 2. In response, the specification is herewith further amended in order to delete the remaining reference to the claims, as this amendment was inadvertently omitted from the earlier response. It is respectfully submitted that the instant specification, as herewith amended, is now in proper form.

On the merits, claim 1 was rejected under 35 USC 103(a) as being unpatentable by Feucht in view of Kobrin, with claims 1-4 being rejected under 35 USC 103(a) as being unpatentable over Feucht in view of Kim, all for the reasons of record. In response, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied references for the reasons detailed below. Since no amendments to the claims are presented herewith, the claims remain unchanged, and accordingly no new claim listing is provided herewith.

More specifically, however, it is noted that independent claim 1 recites, *inter alia*, a piezoelectric layer separated from the substrate by an acoustic reflector, a sensing layer which at least partly covers both the first and second resonator electrodes, and

wherein the first and second resonator electrodes are placed on the same side of the piezoelectric layer. The references, on the contrary, disclose various different structures, which differ not only from each other but from the present invention as claimed, as more particularly detailed below.

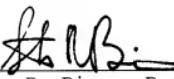
Thus, for example, in the primary reference, Feucht, the sensing layer covers only one electrode, but not the other. Furthermore, in this primary reference the first and second electrodes are not placed on the same side of the piezoelectric layer, but rather are on opposite sides thereof as clearly shown in the reference. Finally, the Feucht reference does not show the piezoelectric layer being separated from the substrate by the acoustic reflector, and in fact shows no acoustic reflector whatsoever, as recognized in the Action. Furthermore, it is respectfully submitted that these deficiencies in the primary reference are not overcome by the secondary references. Thus, for example, the Kobrin reference does not show a sensing layer at least partly covering both the first and second resonator electrodes, and the Kim reference does not show a piezoelectric layer separated from a substrate by an acoustic reflector, but rather shows the piezoelectric layer being the substrate, with no acoustic reflector being present between the piezoelectric layer and the substrate. In fact, such a construction would be

impossible in Kim because the piezoelectric layer is in fact the substrate.

Accordingly, it is respectfully submitted that the primary reference is clearly deficient in numerous areas as noted above and in the action, and that these deficiencies are not overcome by the secondary references. Furthermore, it is noted that the primary reference shows a fundamentally different structure in which the two electrodes are placed on opposite sides of the piezoelectric layer, so that there is no apparent reason to combine the teachings of the primary reference with either of the secondary references, wherein a fundamentally different structure with both electrodes on the same side of the piezoelectric layer is shown.

In view of the foregoing, it is respectfully submitted that the currently-pending claims have been shown to be clearly patentably distinguishable over the cited and applied references, and it is therefore respectfully submitted that the instant application is now in condition for allowance. Favorable consideration is earnestly solicited.

Respectfully submitted,

By 
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